

## REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-50 in the application. The Applicants have not amended, canceled or added any claims. Accordingly, Claims 1-50 are currently pending in the application.

### **I. Rejection of Claims 1-18 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,732,286 to Leger in view of U.S. Patent No. 3,586,771 to Hamburger, *et al.* The Applicants respectfully disagree.

The Examiner asserts that Leger teaches each and every element of independent Claims 1 and 10 except issuing an event driven message to a master device. To cure this deficiency, the Examiner cites Hamburger. (*See Examiner's Action, page 2.*) Even assuming that Leger does teach what the Examiner asserts, one skilled in the art would not be motivated to combine Hamburger's teaching of slave stations reporting audience measurement signals to a master station with the asserted teachings of Leger to arrive at issuing an event driven message to a master device when a FIFO buffer of a slave device reaches a threshold level as recited in independent Claims 1 and 10.

Hamburger is directed to subscription television or radio signal distribution systems and, more specifically, determining at regularly repeated intervals the number of active subscribers at a time and then transmitting this number to a common recording point. (*See column 1, lines 1-20.*) Hamburger teaches a substation (a slave) which facilitates the production of required information signals representing the number of subscribers and the transmission of the signals to the common recording point or master station. (*See column 1, lines 37-41.*)

Hamburger teaches the slave station reports the required information signals to the master station in response to a command signal from the master station. (*See* column 1, lines 41-64.) Thus, even though Hamburger may teach issuing an event driven message to a master device as asserted by the Examiner, Hamburger does not teach or suggest issuing an event driven message to a master device when a level of a buffer of a slave device reaches a threshold as recited in independent Claims 1 and 10. On the contrary, Hamburger teaches sending information based on receiving a command signal from the master station, not sending an event signal based on an event at the slave.

Accordingly, one skilled in the art would not arrive at the present invention if the teachings of Leger were combined with those of Hamburger.

Therefore, the cited combination of Leger and Hamburger fails to teach or suggest the invention recited in independent Claims 1 and 10 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner withdraw the 35 U.S.C. § 103(a) rejection of Claims 1-18 and allow issuance thereof.

Furthermore, one skilled in the art would not be motivated to combine the teachings of Leger with those of Hamburger. Leger is directed to peripheral hardware controllers in computer systems, and, more particularly, to a controller that uses a first-in, first-out (FIFO) buffer to control data transfer across a CPU bus to and from peripheral devices. (*See* column 1, lines 6-10.) Hamburger, on the other hand, is directed to determining the number of active subscribers of subscription television or radio signal distribution systems. (*See* column 1, lines 1-20.) The Applicants do not find any teaching in Hamburger directed to controlling data transfer across a CPU bus and peripheral devices as addressed by Leger.

## **II. Rejection of Claims 19-22, 24-29, 31-38, 40-48 and 50 under 35 U.S.C. §103**

The Examiner has rejected Claims 19-22, 24-29, 31-38, 40-48 and 50 under 35 U.S.C. §103(a) as being unpatentable over Leger in view of Hamburger and in further view of U.S. Patent No. 6,601,105 to Bell, Jr., *et al.* (Bell). The Applicants respectfully disagree.

As discussed above, the cited combination of Leger and Hamburger does not teach or suggest each and every element of independent Claims 1 and 10. More specifically, the cited combination of Leger and Hamburger does not teach or suggest facilitating communications between a master device and a slave device including issuing an event driven message to the master device when a level of a FIFO buffer of the slave device reaches a threshold as recited in Claims 1 and 10. Independent Claims 19, 26, 33 and 41 also include the limitation issuing an event driven message to a master device when a level of a FIFO buffer of a slave device reaches a threshold. Thus, the cited combination of Leger and Hamburger does not teach or suggest each and every element of independent Claims 19, 26, 33 and 41.

Bell has not been cited to cure the deficiencies of the cited combination of Leger and Hamburger but to teach an additional limitation of independent Claims 19, 26, 33 and 41. More specifically, Bell has been cited to teach an aggregate level detector. (*See Examiner's Action*, page 4). Bell, however, also does not teach or suggest issuing an event driven message to a master device when a level of a FIFO buffer of a slave device reaches a threshold as recited in independent Claims 19, 26, 33 and 41. On the contrary, Bell teaches sending a grant/hold signal to a producer 12 indicating a number of packets that may be sent to a buffer 14 subject to a latency Y. (*See column 3, lines 34-39 and Figure 1.*) Thus, the cited combination of Leger, Hamburger and Bell does not teach or suggest each and every element of independent Claims 19, 26, 33 and 41.

Therefore, the cited combination of Leger, Hamburger and Bell, individually or in combination, fails to teach or suggest the invention recited in independent Claims 19, 26, 33 and 41 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner withdraw the 35 U.S.C. §103(a) rejection of Claims 19-22, 24-29, 31-38, 40-48 and 50 and allow issuance thereof.

### **III. Rejection of Claims 23, 30, 39 and 49 under 35 U.S.C. §103**

The Examiner has rejected Claims 23, 30, 39 and 49 under 35 U.S.C. §103(a) as being unpatentable over Leger in view of Hamburger and Bell and further in view of U.S. Patent No. 6,366,959 to Sidhu, *et al.* (Sidhu). The Applicants respectfully disagree.

As discussed above, the cited combination of Leger, Hamburger and Bell does not teach or suggest each and every element of independent Claims 19, 26, 33 and 41. Sidhu is directed to choosing buffer size and error correction coding for real time communication over packet networks. (Column 1, lines 28-32). Sidhu has not been cited to cure the deficiencies of the cited combination of Leger, Hamburger and Bell, but to teach feedback in a single packet. (Examiner's Action, page 5). Accordingly, the cited combination of Leger, Hamburger, Bell and Sidhu does not teach or suggest each and every element of independent Claims 19, 26, 33 and 41 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner withdraw the 35 U.S.C. §103(a) rejection of Claims 23, 30, 39 and 49 and allow issuance thereof.

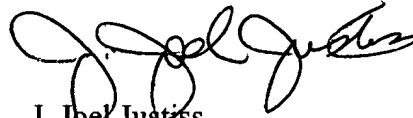
#### IV. Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-50.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in black ink, appearing to read "J. Joel Justiss", written in a cursive style.

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